IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 533 OF 2007
and
WRIT PETITION NO. 808 OF 2007.

Niwara Coop. Housing Society Ltd. ....Petitioner.
V/s
Ashok Tukaram Shelar (W.P.No.533/07)
Sou.Kokila Bandu Hire (W.P.No.808/07)... ....Respondents.

Mr.S.S.Hardikar, Adv. For the petitioner.

CORAM: A.P.DESHPANDE, J.
5/7/07

PC:

A judgment and order passed by the Member, Maharashtra Cooperative Appellate Court confirming the award passed by the Cooperative Court is challenged by filing this writ petition. The petitioner is original plaintiff/disputant. The Society claimed that the construction carried out on the plot by the respondent was contrary to the by-laws and hence sought an injunction seeking to restrain respondent from carrying on construction and further relief was also sought that the illegal construction be pulled down. The trial Court so also the First Appellate Court have recorded finding that the construction carried out by the respondent was not in breach of by-laws but the same was constructed after obtaining santion of the plans from Gram Panchayat. There is also finding recorded that the petitioner-Society has given no objection for the construction. Learned counsel for the

petitioner submits that no objection granted by the petitioner was subject to condition th;at the sanction plan should be submitted to the Cooperative Society-petitioner. It is the grievance of the petitioner that no sanction was obtained from the Town Planning department. The First Appellate Court has held that the said department has no concern with the construction of the respondent as the plots were falling within the jurisdiction of the Gram Panchayat and the respondents have obtained the permission from the Gram Panchayat. Perused the order. Same does not suffer from any patent illegality warranting interference in exercise of writ jurisdiction. In the result writ petition is summarily dismissed.